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MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 17 February 2016

RE: New Richmond – Zoning Ordinance

TPC FILE: 164.01

BACKGROUND

The City of New Richmond adopted comprehensive updates to the Zoning Ordinance and Subdivision Ordinance effective 1 January 2015. City staff was directed to initiate discussion of possible amendments to the Zoning Ordinance and Subdivision Ordinance identified in the course of on-going, day-to-day administration of the development regulations and review of development proposals every six months. City staff is bringing forward proposed amendments for consideration at a public hearing noticed for the Plan Commission meeting on 1 March 2016.

Exhibits:

- A. Draft amendments

ANALYSIS

Driveways. The design and location of driveways are regulated by Section 70 of the City Code. City staff is proposing a number of updates to the provisions regarding driveway location and width to be consistent with development requirements and to provide for administrative approval of exceptions to the standards to facilitate the development review process. These changes include:

- Establishment of a maximum width requirement of 24 feet for residential and 26 ft. for commercial/industrial. Exceptions for non-single family uses and commercial/industrial may be approved by the Public Works Director based on a circulation need specific to a given use or property provided that the exception will not result in congestion in the public street. The most common need for an exception is for commercial and industrial

properties to have accesses wide enough to allow semi-tractor/trailers to enter/exit a site or instances where there are multiple lanes entering/existing a site with turn lanes.

- Specification that properties are limited to one driveway. Exceptions for non-single family uses may be approved by the Public Works Director based on a circulation need specific to a given use or property provided that the exception will not result in congestion in the public street. Again the need for an exception relates to semi-tractor trailer access to traffic generation by the proposed use necessitating more than one driveway.

Lot Combinations. Wisconsin Statutes 236.45(2)(am) exempts requests to adjust lot lines between abutting properties from the City's Subdivision Ordinance provided that all of the parcels comply with Zoning Ordinance requirements and that no new lots are created. City staff recommends including this exception as part of the Subdivision Ordinance in Section 117-10 for clarification purposes.

Columbariums. City staff received an inquiry regarding allowance of a columbarium at a church within the City. A columbarium is generally consistent with the existing definition of cemetery included in the Zoning Ordinance but are not specified. City staff recommends amending the definition of cemetery to include reference to a columbarium. Cemeteries are a permitted use in the Z3 and Z4 Districts and a conditional use in the Z1 and Z5 Districts.

Funeral Homes. City staff has received an inquiry from an existing funeral home in the City regarding development of a new facility that would include a crematorium. Crematoriums are listed as a separate use from funeral homes by Table 3 of the Zoning Ordinance, but the definition of funeral home does include reference to procedures for preparation for burial, which may be interpreted to include cremation. Crematoriums are highly regulated by the State as to emissions and other possible side effects of the facility (as is the entire mortuary business). A crematorium accessory to a funeral home may be considered to be an incidental component of such facilities. As such, City staff recommends amending the definition of funeral home to reference crematoriums as an included facility for the use. Funeral homes are permitted uses in the Z1, Z2, Z3 and Z6 Districts and a conditional use in the Z4 District.

Site/Building Amendments. The City has recently processed applications for two minor expansions of existing uses at Wisconsin Indianhead Technical College (WITC) and Westfields Hospital. For each application, the use is listed as a conditional use in the respective zoning district the facilities are located. The Zoning Ordinance currently requires a conditional use permit application be processed for such modifications even though the expansion is relatively minor in scope. The same situation would apply to uses subject to site plan review and approval under the current Zoning Ordinance. City staff recommends amending the Zoning Ordinance to provide an exception for minor alterations of an existing use to streamline the development review process for property owners in terms of time and cost. Proposed modifications to an existing permitted use allowed subject to site plan approval or as a conditional use would only require administrative review when the modification would not

result in an increase, traffic, employees, expand any principal building, or otherwise increase the intensity of the use of the site by a factor of more than 20 percent. The site plan modification would be subject to compliance with all requirements of the applicable zoning district and all other performance standards of the Zoning Ordinance.

Parks. City staff noted that Table 3 of the Zoning Ordinance does not identify public parks as an allowed use. City staff also reviewed the definitions of indoor and outdoor recreation and determined that they do not apply to public park facilities. City staff recommends that Table 3 of the Zoning Ordinance be amended to provide for City of New Richmond Parks as a permitted use in all zoning districts and that public parks owned/operated by other public jurisdictions be allowed as conditional uses in all zoning districts except Z7. The conditional use permit process will allow the City oversight of the location and design of non-City parks to ensure consistency with the Comprehensive Plan, compatibility with surrounding land uses and adequate access and other infrastructure needed to serve the park.

Trash Enclosures. City staff was recently challenged that the provisions of Section 121-48.C of the Zoning Ordinance requiring an enclosure for outdoor trash containers does not specify a gate be provided. City staff in that situation interpreted the Zoning Ordinance to determine that a gate is incidental to the structure being an “enclosure”. However, to avoid future confusion over the matter, City staff proposes adding a statement that a solid gate is also required to be provided.

WWTF Buffer Zone. City staff recently reviewed a subdivision sketch plan for a parcel adjacent to the City’s Wastewater Treatment Facility (WWTF). Wisconsin Statutes 110.15(3)(d) establishes a 500 foot setback for any development from the WWTF for public safety and compatibility reasons. City staff recommends incorporation of the WWTF buffer zone requirement as part of the Zoning Ordinance in Section 121-48.G.

Dwelling Restrictions. City staff believes it is necessary to include in Section 121-49.A establishing standards for residential dwellings a provision that prohibits occupancy of a garage or accessory building, tent, and RV for use as a permanent or temporary dwelling. The basis of such a restriction is to ensure public safety regarding waste disposal and maintain the intended character and compatibility of uses within residential areas of the City.

Temporary Structures. The City has had a number of requests for use of temporary structures either while a construction project is ongoing or as an interim measure until an expansion is undertaken. Also, temporary structures are commonly used for construction management during a project. The Zoning Ordinance does not make provision for temporary structures. Use of such structures would be appropriate during the time when construction of a project is ongoing either by the occupant of the proposed building or for project management. However, use of temporary structures as interim space until an expansion or relocation can be pursued may be considered contrary to the intent of the development standards adopted as part of the Zoning Ordinance. The provisions proposed by City staff would limit use of temporary structures approved administratively to those situations where there has been a

building permit issued and use of the temporary structure must cease after a specified time period or after issuance of a certificate of occupancy for the new, remodeled or expanded building. Performance standards are also included addressing compliance with the building code, access to utilities and provision of vehicle access and parking.

Landscaping. Section 121-55.G.2 of the Zoning Ordinance outlines landscape requirements for screening off-street parking areas from adjacent streets and sidewalks. The provisions in effect require planting boulevard trees and either planting a hedgerow or installing a decorative fence along the lot line abutting the public right-of-way. City staff believes that the requirement to install a hedge planting or decorative fence is problematic in that there will be an inconsistent application of the requirement from property to property that will not be visually appealing. Also, the requirement does not adequately consider space required for snow storage. As such, City staff recommends that the specific requirement for a hedgerow planting or decorative fence be removed with a provision stating a generalized landscape strip of turf and/or shrubs be provided along with maintaining the requirement for boulevard trees.

Parking and Loading. Section 121-52A.1.C. talks about parking and driveways. In order to be consistent City staff would recommend changing the Driveways and vehicular entrances to parking lots, garages and parking structures to be no wider than 24 feet for residential and 26 feet for commercial/industrial at the frontage.

RECOMMENDATION

City staff recommends approval of the draft ordinance amending the City Code, Subdivision Ordinance and Zoning Ordinance as presented.

POSSIBLE ACTIONS

- A. Motion to recommend **adoption** of an Ordinance amending the City Code as recommended by the Development Review Committee.
- B. Motion to **table** for further discussion or additional information.
- c. Mike Darrow, City Administrator
Sarah Skinner, Building Inspector
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney
Tanya Reigel, City Clerk

ORDINANCE #___

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:

Section 1. Section 70-39(a)(2) of the City Code (Driveway location, design and construction requirements) is hereby amended to read as follows:

- (2) Number. ~~The number of driveways to serve an individual property fronting on a street shall be one, except where deemed necessary and feasible by the Common Council for reasonable and adequate service to the property, considering the safety, convenience and utility of the street. All property shall be entitled to at least one access to a public street. Single-family uses shall be limited to one access per property; other uses may be allowed additional accesses subject to the following criteria as determined by the Public Works Director:~~
- a. The additional access is necessary to provide adequate on site circulation.
 - b. The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this Section.

Section 2. Section 70-39(b)(1) of the City Code (commercial and industrial driveways) is hereby amended to read as follows:

- (1) Width. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 26 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the ~~Common Council in its discretion~~ Public Works Director may, at his/her discretion, permit a driveway of additional width subject to the following criteria:
- a. The additional access is necessary to provide adequate on site circulation.
 - b. The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this Section.

Section 3. Section 70-39(c)(1) of the City Code (residential driveways) is hereby amended to read as follows:

(1) Width.

(a) All residential dwellings. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 24 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii.

(b) Other uses. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 24 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii. In instances where the nature of the activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Public Works Director may, at his/her discretion, permit a driveway of additional width subject to the following criteria:

(1). The additional access is necessary to provide adequate on site circulation.

(2) The additional access shall create a minimum of conflict with through traffic movement and shall comply with the requirements of this Section.

Section 4. Section 117-10.A of the Subdivision Ordinance (Conformity with this Ordinance required) is hereby amended to include the following provision:

2. This Ordinance shall not apply to the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Zoning Ordinance in accordance with Wisconsin Statutes 236.45(2)(am)3.

Section 5. Section 121-15 of the Zoning Ordinance (definitions) is hereby amended revise the following definitions to read as follows:

Cemetery. A ~~placed~~place used for internment of human or animal remains or cremated remains, including ~~a~~columbariums or mausoleums for vault or crypt internments.

Funeral home. A building used for the preparation of the deceased, including for burial or an accessory crematorium, and the display of the deceased and the conduct of rituals connected with the activities before burial or cremation.

Section 6. Section 121-31 of the Zoning Ordinance (Site Plan Review) is hereby amended to add the following provisions:

K. Plan Modifications.

An amended site plan shall be applied for and administered as required for a new site plan, except that those modifications meeting the following criteria, as determined by the Zoning Administrator, are eligible for administrative approval in accordance with Section 121-30 of this Chapter:

1. Only applications for preexisting uses or uses explicitly classified as permitted uses, including accessory uses or changes in occupancy, of the property by Table 3 of this Chapter are eligible for administrative approval.
2. The site plan modification shall not result in an increase, traffic, employees, expand any principal building, or otherwise increase the intensity of the use of the site by a factor of more than 20 percent.
3. The site plan modification shall comply with all requirements of the applicable zoning district and all other performance standards of this Chapter.

Section 7. Section 121-32.G of the Zoning Ordinance (Conditional Use Permits) is hereby amended to read as follows:

G. Amendments.

4. Holders of a conditional use permit may propose amendments to the permit at any time following the procedures for a new permit as set forth in this Section, except those permit modifications meeting the following criteria, as determined by the Zoning Administrator, may be approved administratively in accordance with Section 121-30 of this Chapter:
1. Only applications for preexisting uses or uses explicitly classified as allowed uses, including accessory uses or changes in occupancy, by the approved conditional use permit governing the use of the property are eligible for administrative approval.
2. The site plan modification shall not result in an increase, traffic, employees, expand any principal building, or otherwise increase the intensity of the use of the site by a factor of more than 20 percent.

3. The site plan modification shall comply with all requirements of the applicable zoning district and all other performance standards of this Chapter.

Section 8. Table 3.c of the Zoning Ordinance (Civic) is hereby amended to add “Public park, City of New Richmond only” as a permitted use (A) use within the Z1, Z2, Z3, Z4, Z5, Z6, and Z7 Districts.

Section 9. Table 3.c of the Zoning Ordinance (Civic) is hereby amended to add “Public park, other than City of New Richmond” as a conditional use (C) use within the Z1, Z2, Z3, Z4, and Z5 Districts.

Section 10. Section 121-48.C of the Zoning Ordinance (General Performance Standards – Loading and trash/refuse collection areas) is hereby amended read as follows:

C. Loading and trash/refuse collection areas:

Loading areas and trash/refuse collection areas shall be screened from view from the front of the lot, public rights-of-way and adjacent properties, and located on the lot according to District standards. The screening shall be accomplished with an enclosed structure constructed of materials consistent with that of the principal building and solid gate, as well as evergreen landscaping, earth berms, or a combination of these items as described in Table 15 for uses developed or redeveloped after January 1, 2015, except within the Z6 District where only a fence or other enclosed structure is to be required.

Section 11. Section 121-48 of the Zoning Ordinance (General Performance Standards) is hereby amended to add the following provisions:

G. Waste Water Treatment Facility Buffer Zone.

In accordance with Wisconsin Statutes NR 110.15(3)(d) a 500 foot setback is hereby established for all uses, lots and buildings, except for those owned or operated by the City of New Richmond, from the City Waste Water Treatment Facility (WWTF).

Section 12. Section 121-49.A of the Zoning Ordinance (Additional Building and Lot Regulations – Residential Dwelling Units) is hereby amended to add the following provisions:

3. No garage, tent, accessory building or motor home shall at any time be used as temporary or permanent living quarters; tents, playhouses or similar structures may be used for play or recreational purposes.

Section 13. Section 121-49 of the Zoning Ordinance (Additional Building and Lot Regulations) is hereby amended to add the following provisions:

H. Temporary Structures.

The placement and use of a temporary structure in all zoning districts may be approved by an administrative permit issued by the Zoning Administrator subject to the following provisions:

1. No administrative permit shall be issued for a temporary structure unless a building permit has been issued for a new structure, addition or remodeling of an existing structure on the property.
2. The administrative permit shall terminate nine (9) months from its date of issuance, or within thirty (30) days after a certificate of occupancy has been issued by the building inspector for the permanent structure, whichever occurs first, unless a different time schedule is approved as part of the permit.
3. Temporary structures may be placed in a required building setback area, provided that no such structure may be placed within thirty feet (30') of a public right-of-way or obstruct visibility at any street intersection or driveway access.
4. Temporary structures shall comply with all applicable requirements of the Building Code.
5. Provisions for water and sewer servicing the temporary structures shall be subject to the review and approval of the Building Inspector.
6. There shall be adequate access and off-street parking provided for the temporary structure subject to approval of the Zoning Administrator.

Section 14. Section 121-55.G.2 of the Zoning Ordinance (Landscape Standards) is hereby amended to read as follows:

2. Screening adjacent to public sidewalks and streets shall include at least 2 of the following:

- a. A landscape screening strip at least 5 feet wide, planted with turf grass and deciduous and/or evergreen shrubs.
- b. One deciduous shade tree per every 40 linear feet of perimeter.
- c. ~~A continuous shrub border or hedge no less than 3 feet and no more than 4 feet in height comprised of deciduous and/or evergreen shrubs.~~
- d. Earth berm (if space permits).
- e. ~~Decorative metal railing system no taller than 4 feet in height.~~
- f. ~~Decorative masonry wall no taller than 4 feet in height.~~

Section 15. Section 121-52A.1.C. of the Zoning Ordinance (Parking and Loading) is hereby amended to read as follows:

- c. Driveways and vehicular entrances to parking lots, garages and parking structures shall be no wider than 24 feet for residential and 26 feet for commercial/industrial at the lot line. The Director of Public Works may approve wider driveways or additional turn lanes to accommodate larger vehicles or high traffic areas in accordance with Section 70-39(b)(1) of the City Code.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:
Published and effective:

CITY OF NEW RICHMOND

By: _____
Fred Horne, Mayor

ATTEST: _____
Tanya Reigel, City Clerk